

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
August 19, 2005 Session

TERESA ANN (WOODBY) WILSON v. JOHN GREGORY WILSON

Appeal from the Circuit Court for Robertson County
No. 10449 Ross H. Hicks, Judge

No. M2004-02954-COA-R3-CV - Filed September 22, 2005

FRANK G. CLEMENT, JR., J., delivered the opinion of the court, in which WILLIAM B. CAIN and PATRICIA J. COTTRELL, JJ., joined.

OPINION ON MOTION TO AWARD ATTORNEY FEES

Appellant, Teresa Ann (Woodby) Wilson, filed a motion on September 19, 2005 asking the court to address her request for attorney fees incurred on appeal. Appellant properly raised the issue in her brief and the court failed to address the issue in the opinion filed on September 12, 2005.

The Appellant contends she was partly successful on appeal, prevailing on the issue of the rings, and therefore it would be unjust if she were not awarded attorney fees incurred on appeal. While Appellant makes a good point, it must be noted that both parties were partly successful and partly unsuccessful on the more significant issue – that of parenting time. Considering all relevant factors, the court is of the opinion the parties should bear their own costs incurred on appeal, including attorney fees.

Costs attributable to Appellant's motion are assessed against Appellant, Teresa Ann (Woodby) Wilson.

FRANK G. CLEMENT, JR., J.